

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID M. WILLIAMS,	§
	§
Defendant Below-	§ No. 470, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9803018202B
Plaintiff Below-	§
Appellee.	§

Submitted: September 2, 2010

Decided: November 8, 2010

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 8th day of November 2010, upon consideration of the opening brief and the State's motion to affirm, it appears to the Court that:

(1) The appellant, David Williams, filed this appeal from the Superior Court's denial of his motion for correction of sentence. The State of Delaware has filed a motion to affirm the judgment below on the ground that it is manifest on the face of the appellant's opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that, in April 1998, a grand jury returned three separate indictments against Williams. Williams failed to appear for his arraignment and was arrested in July 1998 on new criminal charges. The

grand jury returned a fourth indictment against Williams. In October 1998, the State obtained a superseding indictment, which incorporated three of the indictments into the fourth. Case ID 9803018202 was designated as the lead case. Four counts of the superseding indictment were later severed and redesignated as Case ID 9803018202B. Williams ultimately was convicted of those four charges in August 1999. He was sentenced as a habitual offender. On direct appeal, this Court affirmed his convictions of two counts of attempted burglary, possession of burglar tools, and criminal mischief.¹

(3) In July 2010, Williams filed a motion for correction of an illegal sentence under Superior Court Criminal Rule 35(a) on the ground that his status sheet maintained by the Department of Correction incorrectly lists him as being convicted under the indictment in Case ID 9803018210, which was dismissed by the State upon the issuance of the superseding indictment. The Superior Court denied Williams' motion.

(4) After careful consideration, we find it manifest the Superior Court's judgment denying Williams' sentence correction motion should be affirmed. The sentence imposed by the Superior Court was within statutorily authorized limits and was otherwise legal.² The DOC's recordkeeping error

¹ *Williams v. State*, 2000 WL 975057 (Del. May 30, 2000).

² *See Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

reflecting the wrong case identification number has no impact on the sentence that Williams' currently is serving, which is entirely legal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice